

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
District of New Mexico

United States of America

v.

James Dooley Pollock

Case No.

22MJ404

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEW MEXICO  
2022 MAR 17 AM 11:30  
CLERK-LAS CRUCES

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Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 7, 2021 in the county of Sierra in the  
State and District of New Mexico, the defendant(s) violated:

## Code Section

## Offense Description

18 U.S.C. § 2251(a)  
18 U.S.C. § 2252A(a)(2)Production of child pornography  
Distribution of child pornographyI further state that I am a Homeland Security Investigations Special Agent  
and that this complaint is based on the following facts:

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

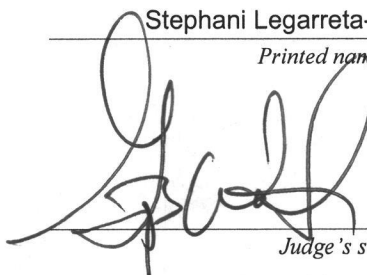
☒ Continued on the attached sheet.STEPHANI M LEGARRETA Digitally signed by STEPHANI M LEGARRETA  
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Complainant's signature

Stephani Legarreta-HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 17 Mar 2022City and state: Las Cruces, New Mexico

Judge's signature

Hon. Gregory B. Wormuth, U.S. Magistrate Judge

Printed name and title

**Affidavit**

1. I, Special Agent Stephani Legarreta, your Affiant, have been a Special Agent with Homeland Security Investigations (HSI) and have been so employed since January of 2008. I am classified, trained, and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 18 of the United States Code. I am currently assigned as a criminal investigator for the Assistant Agent in Charge (ASAC), Las Cruces, New Mexico. Prior to my current position, I was a student for six (6) years at New Mexico State University, where I received my Bachelor's and Master's Degree in Criminal Justice. During the course of investigation, I have consulted with other HSI Agents and other law enforcement detectives and officers who have extensive experience investigating child exploitation. Your Affiant has conducted numerous state and federal investigations and received training, education, and experience with the identification and investigation of child exploitation violations. I have been personally involved with the execution of arrest warrants and search warrants to search residences, businesses and seize materials relating to child exploitation.
2. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other sworn law enforcement officers. Because this affidavit is submitted for the limited purpose of securing a criminal complaint, your affiant has not included each and every fact known to me concerning this investigation. Your affiant has set forth only those facts that your affiant believes are necessary to establish that probable cause to support a criminal complaint against James Dooly Pollock for production of

child pornography, in violation of 18 U.S.C. § 2251(a), and distribution of child pornography, in violation of 18 U.S.C. § 2252A(a)(2).

**Relevant Statutes**

3. Production of child pornography, in violation of 18 U.S.C. § 2251(a), provides “any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.”
4. Distribution of child pornography, in violation of 18 U.S.C. § 2252A(a)(2), provides “any person who knowing receives or distributes any child pornography that has been mailed, or using any means or facility of interstate commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer . . . shall be punished as provided in subsection (b).”

**Details of the Investigation**

5. On February 23, 2022, Homeland Security Investigations (HSI) and New Mexico State Police met with Truth or Consequences (T or C) Police Department (PD) regarding a missing 14-year-old female who had been reported missing since the beginning of January 2022. Your affiant learned the minor (hereafter V1), was reported missing, possibly with an adult male who was a local resident of T or C. The adult male was identified as James Pollock, who is 38-years-old. On December 30, 2021, prior to V1 going missing, V1's father took V1's cell phone to the T or C PD and reported the cell phone contained videos of an adult male and V1 engaging in sexually explicit conduct. V1's father gave law enforcement consent to conduct an extraction of the contents. In an abundant of caution, T or C PD also obtained a state district court search warrant for the cell phone.
6. T or C PD transferred the cell phone and extraction to New Mexico State Police. The extraction was reviewed by law enforcement after a follow-up state district court search warrant was obtained and executed by New Mexico State Police. Messages were found between Pollock and V1. The messages reflected an intimate relationship between Pollock and V1. Additionally, approximately eight videos of Pollock and V1 were found within the extraction in the "WhatsApp"<sup>1</sup> chats. Four of those videos were sent from Pollock to V1 on December 7, 2021, and four other videos were sent from V1 to Pollock on December 13, 2021, via WhatsApp. Within the chats, there was also a message where Pollock told V1, "You need to get an appslock app to hide things on your phone".

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<sup>1</sup> WhatsApp is a multiplatform messaging application that allows users to make video/voice calls along with secured voice/text messaging and photo/video sharing.



7. Below are the descriptions of each video:

Videos Pollock sent on December 7, 2021:

- a. **File Name:** 210c3cf7-9eed-4a2d-a2b9-be0227288aeb

**Description:** The video is approximately 1 minute and 13 seconds. The video depicts an erect penis inserted into a vagina having sexual intercourse. A male's hand is seen in the video along with a female's hand that has a gold ring on the ring finger of the right hand. The camera moves up to expose the female's face and the female is wearing a grey shirt and appears to be V1. The camera appears to be held by the male. The male has what appears to be a growth or implant at the base of his penis.

- b. **File Name:** 64e71a9e-32f8-4ec7-8003-e5835ef41cd5

**Description:** The video is approximately 2 minutes and 9 seconds. The video depicts an adult male with facial hair performing oral sex on a minor female. The female has specific moles on her inner thighs that match V1's body.

- c. **File Name:** 5bd2745f-8070-4f77-a3cf-07e6664c7e4f

**Description:** The video is approximately 9 seconds. The video depicts the lower part of a naked minor female's body with her genital area exposed, who appears to be on a bed. The female has black and white socks on. A male leg appears in the video with a black sock on.

- d. **File Name:** 26db6881-4491-4b6c-82ef-89ca7e33606f.mp4

**Description:** The video is approximately 2 minutes and 4 seconds. The video depicts an exposed minor female's genital area and a male's face with facial hair enters the camera shot and performs oral sex on the female. The male's hand is then seen digitally penetrating the vagina. The female has specific moles on her inner thighs that match V1's body.

Videos V1 sent on December 13, 2021:

- e. **File Name:** 604f76b8-9973-4cb0-a136-374d3db9f673.mp4

**Description:** The video is approximately 10 minutes and 38 seconds. The video depicts a naked minor female, who is straddled on a naked male's body engaging in sexual intercourse. The male has a large scar on his abdomen near his belly button. He also has a tattoo on his chest. The video appears to be recording in slow motion.

- f. **File Name:** e8a40030-7cd7-4659-b00f-95af63934eec.mp4

**Description:** The video is approximately 7 minutes and 57 seconds. The video depicts a minor female with a silver heart necklace performing fellatio on an adult male who has a growth or implant on the base of his penis. The male has a large scar on his abdomen near his belly button. The male also has a tattoo on his chest. The minor and male then engage in sexual intercourse. The minor has specific moles on her inner thighs that match V1's body. The camera is focused on the genital area most of the video. The video appears to be in slow motion.

g. **File name:** 5395b2dd-fc23-489c-a348-d8b550066df9.mp4

**Description:** The video is approximately 6 minutes and 57 seconds. The video depicts a male and minor female engaging in sexual intercourse. The video appears to be taken by the male. The female's face appears in the camera shot and is identified as V1. V1 is naked and wearing a silver heart necklace. The male has a large scar on his abdomen area near his belly button. The male has, what appears to be a growth or implant at the base of his penis. The camera is focused on the genital area most of the video. The video appears to be in slow motion.

h. **File Name:** bc409948-6c49-4e16-ba2e-aaf6e2a4fe9b

**Description:** The video is approximately 10 minutes and 37 seconds. The video depicts a naked adult male and minor female engaging in sexual intercourse. The male has a tattoo on his chest and a large scar on his abdomen area near his belly button. The video appears to be in slow motion.

8. On March 1, 2022, law enforcement located V1, who was with Pollock in Tor C. The following day, V1 participated in a safehouse interview. During the interview, V1 disclosed, *inter alia*, that Pollock has had sexual intercourse with her. On March 14, 2022, V1 was interviewed again. During that interview, V1 stated, *inter alia*, that Pollock took pictures and video of her while they were engaged in sexual contact. V1 also stated that Pollock showed her the videos on WhatsApp.
9. Pollock has a scar on his abdomen and tattoos on his chest. Your affiant reviewed a booking photo of Pollock where Pollock does not have a shirt on. Based on my review of Pollock's abdomen from the booking photo, and my review of the videos described above, the scar and tattoos seen in the video match Pollock. Additionally, it appears that the male in the videos is holding the camera to take the videos. Thus, your affiant

believes that Pollock recorded the videos described above.

10. I know that in order to use the social media platform WhatsApp, the user must connect to the internet, which I know from my training and experience is a facility of interstate commerce.

**Conclusion**

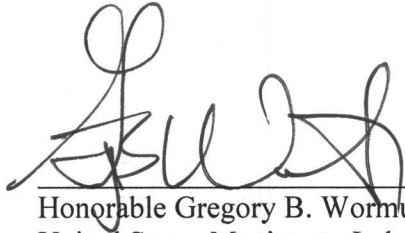
11. Based on all of the above information, your affiant submits there is probable cause to believe that James Dooly Pollock committed production child pornography, in violation of 18 U.S.C. § 2251(a) and distribution of child pornography, in violation of 18 U.S.C. § 2252A(a)(2).
12. Prosecution of James Dooly Pollock was approved by Assistant United States Attorney Marisa A. Ong.

STEPHANI M  
LEGARRETA

Digitally signed by STEPHANI M  
LEGARRETA  
Date: 2022.03.16 13:05:58 -06'00'

Stephani Legarreta, Special Agent  
Homeland Security Investigations

Subscribed and sworn before me this 17<sup>th</sup> day of March 2022.



Honorable Gregory B. Wormuth  
United States Magistrate Judge